

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



March 15, 2011

Don C. Moore, Building Official
Building Division
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

Dear Don C. Moore:

This letter is to acknowledge receipt on January 3, 2011 of the City of Pismo Beach submittal pertaining to Ordinance No. 2010-009 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

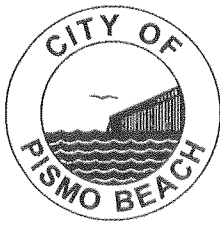
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Pismo Beach, Building Division
760 Mattie Road
Pismo Beach, CA 93449
(805) 773-7040 · Fax: (805) 773-4684

December 28, 2010

Dave Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Re: Compliance with Health and Safety Code Section 17958.7

Dear Mr. Walls:

In compliance with Section 17958.7 of the California Health and Safety Code, I hereby submit to the Building Standards Commission a copy of City of Pismo Beach Ordinance No. 0-2010-009, which adopts and amends the 2010 edition of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building, Historical Building, Existing Building, and Fire Codes. The ordinance includes findings necessary to support local changes and modifications to the 2010 California State Building Standards Code. The ordinance was passed on November 16, 2010 and will be effective on January 1, 2011.

Respectfully,

A handwritten signature in black ink that reads "Don C. Moore".

Don C. Moore, C.B.O.
Building Official
City of Pismo Beach
Building Division
Phone (805) 773-7040
Fax (805) 773-4684
dmoore@pismo-beach.org

201 JAN -3 PM 024
CITY OF PISMO BEACH
BUILDING DIVISION

Ordinance No. O-2010-009

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF PISMO BEACH AMENDING TITLES 8 AND 15, CHAPTERS 8.04, 8.08, 15.04, AND 15.08 OF THE PISMO BEACH MUNICIPAL CODE TO ADOPT AND AMEND THE LATEST EDITIONS OF THE CONSTITUENT CODES OF THE CALIFORNIA BUILDING STANDARDS CODE AND ADOPT FINDINGS OF FACTS TO SUPPORT THE IMPOSITION OF REQUIREMENTS GREATER THAN THE REQUIREMENTS ESTABLISHED BY OR PURSUANT TO THE CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, it is the desire and intent of the City Council of the City of Pismo Beach to provide citizens with the greatest degree of fire, life and structural safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Pismo Beach; and

WHEREAS, the California Health and Safety Code, Section 17958.7 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

WHEREAS, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and

WHEREAS, the City Council hereby determines that Sections 903.2, 903.1.1.2, 905.3.1 and 1506.3.1 of the 2010 California Building Code, Sections R301.1.3.2, R313.2 and R313.3.1.1 of the California residential Code, Section 230.70(A)(1) of the 2010 California Electrical Code, and Sections 405.7, 503.2.3, 903.2, 903.3.1.1.2 and 907.7.5 of the California Fire Code, are required to be modified due to the findings contained herein to greater requirements than those set forth in the California State Building Standards Code; and

WHEREAS, the City Council finds that each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Pismo Beach, and the City Council further finds that the following findings support the local necessity for the changes or modifications:

FINDING 1

That the City of Pismo Beach lies approximately midway between the major population centers of San Francisco and Los Angeles, making mutual aid resources from these centers delayed. Furthermore, within San Luis Obispo County, organized fire departments are characteristically at such distance and of such limited resources that they may not present a reliable rapid response mutual aid alternative, although agreements currently exist. The continued development in new residential areas within the City and potential annexation areas will increase response times for personnel, creating a substantial threat to human life and public safety. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in Sections 903.2 and 1506.3.1 of the 2010 California Building Code, Section R313 of the 2010 California Residential Code, and Sections 405.7, 503.1.2.1, 903.2, and 905.3.1 of the California Fire Code.

FINDING 2

That on the inland side of the City of Pismo Beach lie large expanses of steep, undeveloped terrain with moderate to high wild-land fuel loading. Furthermore, a wild-land fire in these areas, in conjunction with coastal winds, Santa Ana winds, and similar dry, conditions could threaten the City with burning embers traveling thousands of feet that will ignite structures. City fire-suppression resources will be inadequate to resist this threat. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in Sections 903.2 and 1506.3.1 of the 2010 California Building Code, Section R313 of the 2010 California Residential Code, and Sections 405.7, 503.1.2.1, 903.2, and 905.3.1 of the California Fire Code.

FINDING 3

That the City of Pismo Beach is bisected by Highway 101, and there are only six arterial crossovers along seven miles of City boundary bisected by said highway. This condition increases the response times for fire apparatus, especially during peak traffic flows. A delayed response due to this condition poses a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in Sections 903.2 and 1506.3.1 of the 2010 California Building Code, Section R313 of the 2010 California Residential Code, and Sections 405.7, 503.1.2.1, 903.2, and 905.3.1 of the California Fire Code.

FINDING 4

That the City of Pismo Beach is bisected by a major freeway (Hwy 101), traversing in the north/south direction, and is subject to floods and earthquakes which create impassable roads and collapsed bridges. Emergency personnel responding to a fire may be unduly impeded or delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the

protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in Sections 903.2 and 1506.3.1 of the 2010 California Building Code, Section R313 of the 2010 California Residential Code, Section 230.70(A)(1) of the 2010 California Electrical Code, and Sections 405.7, 503.1.2.1, 903.2, and 905.3.1 of the California Fire Code.

FINDING 5

That the City of Pismo Beach lies near seismic faults that can generate significant earthquake forces that could damage buildings and structures, as shown by the 2003 San Simeon Earthquake. The energy released in the 2003 earthquake occurred at the northern end of the fault, leaving a potentially catastrophic energy release pending at the southern end, which is near Pismo Beach. New and altered dwellings not engineered to resist earthquake forces create a substantial threat to the safety of building occupants and support the imposition of structural design requirements greater than those set forth for dwellings in Section R301.1.3.2 of the 2010 California Residential Code.

FINDING 6

That the City of Pismo Beach lies in a coastal climate zone associated with the Pacific Ocean that creates corrosive moisture conditions damaging to exterior building system components supports the imposition of greater fire sprinkler system component requirements than set forth in Section 903 of the California Building Code.

NOW, THEREFORE, the City Council of the City of Pismo Beach does hereby ordain as follows:

SECTION 1. The provisions of the California Fire Code are hereby modified, changed and amended, as provided for in this ordinance, based upon the foregoing recitals and findings. The City Council takes said action because of the public interest in protecting life and preserving public safety and property. Chapter 8.04 of the Pismo Beach Municipal Code is hereby repealed and replaced by new Chapters 8.04 and 8.08 as follows.

Chapter 8.04 GENERAL PROVISIONS

8.04.010 ADOPTION OF FIRE CODE

One document, three (3) of which are on file in City offices, marked and designated as the 2010 edition of the California Fire Code published by the International Code Council is hereby adopted, including chapters and sections not adopted by agencies of the

State of California, and including appendices thereto, as the Fire Prevention Regulations of the City of Pismo Beach. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified in Chapter 8.08.

8.04.020 FIRE CODE OFFICIAL DESIGNATED

The Fire Chief is hereby designated as the fire code official for the City of Pismo Beach.

8.04.030 REFERENCED CODES AND STANDARDS

Where other codes and standards are referred to in the code adopted in Section 8.04.010, the following shall apply:

- A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.
- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 shall mean California Electrical Building Code.
- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.
- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean Chapter 34 of the California Building Code.

Chapter 8.08 FIRE PREVENTION REGULATIONS

8.08.010 AMENDMENTS; CALIFORNIA FIRE CODE

The California Fire Code adopted in Section 8.04.010 is modified, amended and/or supplemented as follows:

- A. Delete Appendix A, D, E, G, and F.
- B. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the California Fire Code, hereinafter referred to as "this Code".

C. Amend Section 102.3 to read as follows:

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with this code and the California Building Code. Subject to the approval of the building official and the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use as established by Section 3408 of the California Building Code, as amended.

D. Amend Section 103.1 to read as follows:

103.1 General. The bureau of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the bureau shall be the implementation, administration and enforcement of the provisions of this code.

E. Add Section 103.3.1 to read as follows:

103.3.1 Fire prevention bureau personnel and police. The chief of the fire department and other members of the California Department of Forestry and Fire Protection/Pismo Beach Fire Department designated by the chief of the fire department have the authority of peace officers or public officers pursuant to California Penal Code sections 830.2(g), 830.7(d) and 836.5(a) in performing their duties under the California Fire Code.

F. Amend Section 105.3.3 to read as follows:

105.3.3 Occupancy and use, prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating that applicable provisions of this code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the fire code official and all applicable provisions of this code have been met. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes.

G. Add Section 105.6.30.1 to read as follows:

105.6.30.1 Commercial barbecue pits. All commercial barbecues shall comply with the requirements set forth in Chapter 8.36 of the Municipal Code.

H. Amend Section 108.1 to read as follows:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The City manager shall provide staff services for the board. The board of appeals shall be appointed on an "as needed" basis by the City Council and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. The fee for appeals shall be consistent with the fees established by the City Council.

I. Amend Section 109.3 to read as follows:

109.3 Violation penalties. Person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals within the time fixed herein, shall be guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1.20 of the City of Pismo Beach Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

J. Amend Section 111.4 to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Chapters 1.20, 1.24 and 1.28 of the City of Pismo Beach Municipal Code.

K. Amend Section 405.7 to read as follows:

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. Prior to initiating an

alarm, the person initiating the alarm shall contact the fire alarm monitoring company and advise the company's dispatcher of the fire drill. In cases where the fire alarm system is not monitored by a central station, notification shall be provided to the fire department dispatch center.

- L. Amend Section 503.1.2.1 to read as follows:

503.1.2.1 Maximum dead-end road lengths. The maximum length of dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 500 feet (152 m).

- M. Amend Section 503.2.3 to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support an imposed load no less than 40,000 pounds (18 144 kg) of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

- N. Add Section 503.2.5.1 to read as follows:

503.2.5.1 Cul-de-sac. The minimum outside turning radius at a permanent or temporary cul-de-sac shall be 40 feet (12 192 mm) unobstructed. The inside radius shall be 20 feet (6096 mm). Where parking is permitted within the cul-de-sac, the minimum outside radius from center to curb shall be 48 feet (14 630 mm).

- O. Amend Sections 503.2.6 and 503.2.7 to read as follows:

503.2.6 Bridges. Where a bridge or an elevated surface is part of a fire apparatus access road, it shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed load of a 40,000 pound (18 144 kg) fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 16% without approval by the fire code official.

- P. Amend Section 505.1 and add Section 505.1.1 to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Address numbers shall be provided at additional locations on the

building and at locations adjacent to roads or driveways leading to buildings when required by the fire code official. These numbers shall contrast with their background. The height and minimum stroke of numbers or letters shall be approved by the fire code official.

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

Q. Amend Section 507.5.1 to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exception: For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section R313 of the California Residential Code or Section 903 of the California Building Code and this code, as amended, the distance requirement shall be not more than 600 feet (183 m).

R. Amend Section 603.1.4 to read as follows:

603.1.4 Fuel oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used.

S. Amend Section 603.9 to read as follows:

603.9 Gas meters. Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. Gas meters shall be permanently marked identifying the building or system served.

T. Delete Sections 903.2 through 903.2.11.3. Add new Sections 903.2 and 903.2.1 through 903.2.11.3 to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout new buildings.

Exceptions:

1. A single-story building that contains any occupancy other than Group R, H or I where floor area does not exceed 1000 square feet (92.9 m²).
 2. A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.
 3. A building that contains only a Group A, Division 5 occupancy. Notwithstanding the foregoing exception, concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m²) shall be provided with an automatic fire sprinkler system.
2. Throughout existing and new sections of an existing building where floor area is increased by 1000 square feet (92.9 m²) or where the floor area of a room or rooms altered exceeds fifty (50) percent of the existing floor area. Increase in floor area and area of alterations shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

Exceptions:

1. Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.
 2. A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.
3. Throughout existing and new sections of an existing building where an additional story is added.

Exception: A building that contains a Group R, Division 3 occupancy that will not be more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.

4. In additions to existing buildings equipped with an automatic fire sprinkler system.
5. Throughout existing and new sections of an existing building where there is an occupancy classification change resulting in a higher hazard.
6. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building. For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall be as defined by Floor Area Gross found in Section 1002 of this code.

903.2.1 through 903.2.11.3 not used. Text continues with Section 903.2.11.4.

U. Add Section 903.3.1.1.2 to read as follows:

903.3.1.1.2 Exterior locations. Automatic fire sprinklers installed at exterior locations shall be approved corrosion-resistant devices.

V. Amend Section 905.3.1 to read as follows:

905.3.1 Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

W. Amend Section 907.7.5 to read as follows:

907.7.5 Monitoring. Fire alarm systems required by this chapter or by the California Fire Code shall be monitored by an approved central station service listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72 and this section. The central station shall contact and notify the police/fire dispatch center immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Monitoring by a central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Automatic sprinkler systems in one- and two-family dwellings.

X. Amend Section 2206.2 to read as follows:

2206.2 Method of storage. Approved methods of storage for Class I, II, and III liquid fuels at motor fuel-dispensing facilities shall be in accordance with Sections 2206.2.1 through 2206.2.5.

Y. Amend Section 2206.2.3 to read as follows:

2206.2.3 Above-ground tanks located outside, above grade. Above-ground tanks shall not be used for the storage and dispensing of Class I, II, or III liquid motor fuels except when approved by the fire code official and in accordance with this Section, Section 3404.2.7 and Sections 3404.2.9.6 through 3404.2.9.6.3 and the stored fuels will not offered for resale.

1. Aboveground tanks used for outside, above-grade storage of Class I liquids shall be listed and labeled as protected above-ground tanks and be in accordance with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.
2. Above-ground tanks used for above-grade storage of Class II or IIIA liquids are allowed to be protected above-ground tanks or, when approved by the fire code official, other above ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2206.2.3.
3. Tanks containing fuels shall not exceed 8,000 gallons (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).
4. Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.

Z. Amend Section 3204.3 to read as follows:

3204.3 Outdoor storage. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, except when permitted by the City and approved by the fire code official. Where outdoor storage of cryogenic fluids is allowed, containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials and shall be in accordance with Sections 3204.3.1 through 3204.3.1.2.3.

AA. Add Section 3309 to read as follows:

SECTION 3309 FIREWORKS PROHIBITED

3309.1 Fireworks prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exception: Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6 and with a City Council resolution approving the public display.

3309.2 Seizure of Fireworks. The fire code official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

BB. Amend Sections 3404.2.9.6 and 3404.2.9.6.1 to read as follows:

3404.2.9.6 Above-ground tanks outside of buildings. Above-ground tanks outside of buildings shall comply with Sections 3404.2.9.6.1 through 3404.2.9.6.3 and Section 2206.2.3.

3404.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I, Class II, and Class III liquids in unprotected above-ground tanks outside of buildings is prohibited. Tanks containing fuels shall not exceed 8,000 gallon (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

CC. Amend Section 3406.2.4.4 to read as follows:

3406.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I liquids in above-ground tanks outside of buildings is prohibited. Class II and III liquids may be stored in approved above-ground containers for the purpose of dispensing only at facilities complying to Section 3406.1 where no sales to the public occur. Aboveground tanks containing Class II and Class III liquids shall not exceed 2,000 gallons. Plans for the installation of above ground tanks shall be submitted to the fire code official approval and in conformance with applicable codes and standards. When required, a Conditional Use Permit shall be obtained from the City.

DD. Amend Section 3804.2 to read as follows:

3804.2 Maximum capacity within established limits. The installation of any liquefied petroleum gas tank over 500 gallons (1 892 L) water capacity is prohibited unless approved by the fire code official.

SECTION 2. The provisions of State Building Standards Code are hereby modified, changed and amended, as provided for in this ordinance, based upon the foregoing recitals and findings. The City Council takes said action because of the public interest in protecting life and preserving public safety and property. Chapters 15.04 and 15.08 of the Pismo Beach Municipal Code are hereby repealed and replaced by new Chapters 15.04 and 15.08 as follows.

Chapter 15.04 GENERAL PROVISIONS

15.04.010 ADOPTION OF CONSTRUCTION CODES

Ten documents, three (3) each of which are on file in City offices, marked and designated as (1) the 2010 edition of the California Building Code (Volumes 1 and 2) published by the International Code Council, (2) the 2010 edition of the California Residential Code published by the International Code Council, (3) the 2010 edition of the California Electrical Code published by the National Fire Protection Association, (4) the 2010 edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials, (5) the 2010 edition of the California Plumbing Code published by the International Association of Plumbing and Mechanical Officials, (6) the 2010 edition of California Energy Code, (7) the 2010 edition of the California Historical Building Code, (8) the 2010 edition of the California Existing Building Code, (9) the 2010 edition of the California Green Building Standards Code, and (10) the 2009 edition of the International Property Maintenance Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the City of Pismo Beach. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified in Chapter 15.08.

15.04.020 BUILDING OFFICIAL DESIGNATED

The Building Official is hereby designated as the building official and code official for the City of Pismo Beach. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the building official.

15.04.030 REFERENCED CODES AND STANDARDS

Where other codes and standards are referred to in the codes adopted in Section 15.04.010, the following shall apply:

- A. International Building Code shall mean California Building Code or the California Residential Code, as applicable.
- B. International Plumbing Code shall mean California Plumbing Code.
- C. International Fuel Gas Code shall mean California Plumbing Code.
- D. International Mechanical Code shall mean California Mechanical Code.
- E. NFPA 70 shall mean California Electrical Building Code.

- F. International Residential Code for One- and Two-family Dwellings shall mean the California Residential Code.
- G. International Fire Code shall mean California Fire Code.
- H. International Existing Building Code shall mean Chapter 34 of the California Building Code.
- I. International Zoning Code shall mean applicable provisions of Chapters 16 and 17 of the City of Pismo Beach Municipal Code.

Chapter 15.08 CONSTRUCTION REGULATIONS

15.08.010 AMENDMENTS; CALIFORNIA BUILDING CODE

The California Building Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

- A. Delete Appendix A, B, D, and F.
- B. Amend Section 101.2 to read as follows:

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

- C. Amend Section 101.4 to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference.

- D. Add Section 101.4.7 to read as follows:

101.4.7 Electrical. The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, and replacement of electrical equipment, appliances, fixtures, fittings and appurtenances thereto.

- E. Amend 103.1 to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official.

F. Add Section 104.12 to read as follows:

104.12 Discovery of archaeological resources. In the event archaeological resources are unearthed or discovered during any construction activities, the building official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist and/or Native American, and disposition of artifacts may be accomplished in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the building official shall notify the county coroner. If human remains are found to be of an ancient age and of archaeological and spiritual significance, the building official shall notify the Native American Heritage Commission.

G. Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless a permit has been issued. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

H. Add Section 109.2.1 to read as follows:

109.2.1 Plan review fees. When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee may be charged at a rate established by the applicable governing authority.

I. Amend Section 109.4 to read as follows:

109.4 Work commencing before permit issuance.

109.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

109.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

J. Amend Section 109.6 to read as follows:

109.6 Fee refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of permit fee payment.

K. Delete the exception to Section 110.3.5.

L. Amend Chapter 113 to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be appointed on an "as needed" basis by the City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. The fee for appeals shall be consistent with fees established by the applicable governing authority.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of the California Building Standards Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the

California Building Standards Code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of the adopted codes. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability to authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code.

113.3 Qualifications. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to building construction and building service equipment and are not employees of the jurisdiction. For matters subject to the appeal process referenced in Section 1.9.1.5 of the California Building Code regarding accommodations for persons with physical disabilities, the board of appeals shall consist of two members experienced in construction, two members that are persons with disabilities as defined in the California Building Code, and one public member.

M. Amend Section 114.1 to read as follows:

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

N. Amend Section 115.3 to read as follows:

115.3 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Chapters 1.20, 1.24 and 1.28 of the City of Pismo Beach Municipal Code.

O. Amend Section 116.1 to read as follows:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2009 edition of

the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

- P. Delete Sections 903.2 through 903.2.11.3. Add new Sections 903.2 and 903.2.1 through 903.2.11.3 to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout new buildings.

Exceptions:

1. A single-story building that contains any occupancy other than Group R, H or I where floor area does not exceed 1000 square feet (92.9 m²).
 2. A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.
 3. A building that contains only a Group A, Division 5 occupancy. Notwithstanding the foregoing exception, concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m²) shall be provided with an automatic fire sprinkler system.
2. Throughout existing and new sections of an existing building where floor area is increased by 1000 square feet (92 m²) or where the floor area of a room or rooms altered exceeds fifty (50) percent of the existing floor area. Increase in floor area and area of alterations shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

Exceptions:

1. Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.
 2. A building containing a Group R, Division 3 occupancy not more than three stories above grade plane in height shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.
3. Throughout existing and new sections of an existing building where an additional story is added.

Exception: A building that contains a Group R, Division 3 occupancy that will not be more than three stories above grade plane in height

shall comply with the automatic fire sprinkler system requirements of Section R313 of the California Residential Code.

4. In additions to existing buildings equipped with an automatic fire sprinkler system.
5. Throughout existing and new sections of an existing building where there is an occupancy classification change resulting in a higher hazard.
6. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building. For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall be as defined by Floor Area Gross in Section 1002 of this code.

903.2.1 through 903.2.11.3 not used. Text continues with Section 903.2.11.4.

Q. Add Section 903.3.1.1.2 to read as follows:

903.3.1.1.2 Exterior locations. Automatic fire sprinklers installed at exterior locations shall be approved corrosion-resistant devices.

R. Amend Section 905.3.1 to read as follows:

905.3.1 Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

S. Amend Section 907.6.5 to read as follows:

907.6.5 Monitoring. Fire alarm systems required by this chapter or by the California Fire Code shall be monitored by an approved central station service listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72 and this section. The central station shall contact and notify the police/fire dispatch center immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Monitoring by a central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.

2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Automatic sprinkler systems in one- and two-family dwellings.

T. Add Section 1506.3.1 to read as follows:

1506.3.1 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building. A roof covering shall not be applied over existing wood shakes or shingles.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.
2. Roof covering for an addition to, or the reroofing of, an existing building where the new roof covering area is less than 25 percent of the existing roof area may be an approved Class B pressure treated wood shingle system. Determination of the 25 percent area limitation shall be cumulative with each addition to the building.

U. Amend Section 3201.1 to read as follows:

3201.1 Scope. The provisions of this chapter and Chapter 12.32 of the Municipal Code shall govern encroachment of structures into the public right-of-way.

V. Amend Section 3201.3 to read as follows:

3201.3 Other laws. The provisions of this chapter shall not be construed to permit violation of other laws or ordinances regulating the use and occupancy of public property. The projection of any structure or portion thereof into a right-of-way shall be subject to an encroachment permit issued by the City of Pismo Beach, State of California, or other agency having jurisdiction over the public right-of-way.

W. Amend Section 3201.4 to read as follows:

3201.4 Drainage. Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface unless specifically approved by the City Engineer.

X. Delete Sections 3202.2.1, 3202.2.2 and 3202.2.3 and amend section 3202.2 to read as follows:

3202.2 Encroachments above grade and below 8 feet in height. Encroachments into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited. Doors, windows and stairs shall not open or project into the public right-of-way.

- Y. Amend Section 3202.3.1 to read as follows:

3202.3.1 Awnings, canopies, marquees, roof overhangs, roof projections, balconies and signs. Awnings, canopies, marquees, roof overhangs, roof projections, balconies and signs shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees, roof overhangs, roof projections and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building to the face of curb. Stanchions or columns that support awnings, canopies, marquees, and signs shall not be located on the public right-of-way.

- Z. Add Exception to Section 3202.3.2 to read as follows:

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm) 1 inch (25mm) of encroachment is permitted for each additional 1 inch of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (11219 mm).

Exception: For windows, balconies and architectural features projecting over a public sidewalk, the minimum vertical clearance may be 8 feet (2438 mm) for the maximum encroachment length of 4 feet (11219 mm) and the maximum projection shall be not less than 2 feet (610 mm) from the face of curb.

- AA. Add Sections 3408.1.1 through 3408.1.4.3 to read as follows:

3408.1.1 Change of occupancy classification based on hazard category. The relative degree of hazard between different occupancy classifications shall be determined in accordance with the category specified in Tables 3408.1.1, 3408.1.2 and 3408.1.3. Such determination shall be the basis for the application of Sections 3408.1.2 through 3408.1.4.3.

3408.1.2 Means of egress, general. Hazard categories in regard to life safety and means of egress shall be in accordance with Table 3408.1.2.

**Table 3408.1.2
Means of Egress Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

3408.1.2.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 3408.1.2, the means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

3408.1.2.2 Means of egress for change of use to equal or lower hazard category. When a change of occupancy is made to an equal or lesser hazard category (higher number) as shown in Table 3408.1.2, existing elements of the means of egress shall not be reduced below the level established by the code under which the building was constructed for the new occupancy classification. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

Exception: Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.

3408.1.3 Heights and areas. Hazard categories in regard to height and area shall be in accordance with Table 3408.1.3.

**Table 3408.1.3
Heights and Areas Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, U

3408.1.3.1 Height and area change to higher hazard category. When a change of occupancy is made to a higher category as shown in Table 3408.1.3, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the California Building Code for the new occupancy classification.

Exception: In other than Groups H, F-1 and S-1, in lieu of fire walls, use of fire barriers having a fire resistance rating not less than that specified in Table 706.4 of the California Building Code, constructed in accordance with Section 707 of the California Building Code, shall be permitted to meet area limitations required for the new occupancy in buildings protected throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

3408.1.3.2 Height and area change to equal or lesser category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3408.1.3, the height and area of the existing building shall be deemed acceptable.

3408.1.3.3 Fire barriers. When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.3, fire barriers in separated mixed-use buildings shall comply with the fire resistance requirements of the California Building Code.

Exception: Where the fire barriers are required to have a 1-hour fire-resistance rating, existing wood lath and plaster in good condition or existing ½-inch-thick (12.7 mm) gypsum wallboard shall be permitted.

3408.1.4 Exterior wall fire-resistance ratings. Hazard categories in regard to fire-resistance ratings of exterior walls shall be in accordance with Table 3408.1.4.

Table 3408.1.4
Exposure of Exterior Walls Hazard Categories

Relative Hazard	Occupancy Classification
1(Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

3408.1.4.1 Exterior wall rating for change of occupancy classification to a higher hazard category. When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.4, exterior walls shall have a fire-resistance and exterior opening protectives as required by the California Building Code. This provision shall not apply to walls at right angles to the property line.

Exception: A 2-hour fire-resistance rating shall be allowed where the building does not exceed three stories in height and is classified as one of the following groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

3408.1.4.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category. When a change of occupancy classification is

made to an equal or lesser hazard category as shown in Table 3408.1.4, existing exterior walls, including openings, shall be accepted.

3408.1.4.3 Opening protectives. Openings in exterior walls shall be protected as required by the California Building Code. Where openings are required to be protected because of distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

Exceptions:

1. Where the California Building Code permits openings in excess of 50 percent.
2. Protected openings shall not be required in buildings of Group R occupancy that do not exceed three stories in height and that are located not less than 3 feet (914 mm) from the property line.
3. Where exterior opening protectives are required, an automatic sprinkler system throughout may be substituted for opening protection.
4. Exterior opening protectives are not required when the change of occupancy group is to an equal or lower hazard classification in accordance with Table 3408.1.4.

BB. Amend Appendix Section G104.2 to read as follows and delete Sections G104.3 through G104.5:

G104.2 Permit application and processing. The processing and administration of a permit application required in Section G104.1 shall be as prescribed in Sections 105 and 107.

CC. Amend Appendix Section H101.2 to read as follows:

H101.2 Signs exempt from permits. The following signs are exempt from the requirement to obtain a permit from the building official before erection or alteration of a sign:

1. Signs where a Planning Permit is not required.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.

DD. Add Appendix Sections J101.3 and J101.4 to read as follows:

J101.3 Hillside. The term hillside area is defined as all properties with slopes of 10 percent or more. No grading shall commence on slopes greater than 30 percent, including but not limited to access roads and driveways unless approved by the Planning Commission or the City Council. The hillside development regulations of the city zoning ordinance and General Plan/Local Coastal Plan

Policy C0-10 shall apply in addition to the standards and procedures set forth in this code for all properties in this category.

J101.4 Approval for building construction. Prior to commencement of any building construction, pursuant to a building permit for the graded site, a benchmark shall be provided to verify that the building site is graded in conformance with the approved grading plan. No building construction shall be started until the building official or city engineer has verified that the rough grading conforms to the approved plan, including any interim or permanent erosion control measures deemed necessary.

EE. Amend Appendix Section J103.2 and add Appendix Sections J103.3 and J103.4 to read as follows:

J103.2 Exempted Work. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. An excavation which does not exceed fifty cubic yards and (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical to 2 units horizontal.
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures, on any one lot and does not obstruct a drainage course.

10. A fill less than 3 foot (38.3 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical to 5 units horizontal, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Early grading. A grading permit shall not be issued prior to issuance of a building permit for the project unless:

1. A tentative subdivision or tract map, use permit, architectural review commission project approval or similar authorization has been granted; and
2. Related street and utility grades have been established and approved; and
3. A surety bond in accordance with Section J103.4 is deposited to guarantee restoration of the site to a natural or other condition acceptable to the building official should the project not proceed to completion.

J103.4 Bonds. The building official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or restore a graded site to the original condition. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

The city engineer may require that bonds be posted to recover the full costs of any damage to public right-of-way which may occur because of the peculiar nature or large scope of the project, such as transportation of fill or heavy equipment on local streets not designed to accommodate the traffic.

FF. Amend Appendix Section J104.2 to read as follows:

J104.2 Site plan requirements. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code. The plans shall show existing drainage conditions and drainage devices and all proposed changes thereto. The plans shall include the location and dimension of all trees on the site to remain and to be removed which are 3 inches (76.2 mm) in diameter or larger at

the trunk, measured at 4.5 feet (1.37 m) above ground level. A preservation plan shall be submitted for all trees to remain. The plans shall indicate where excess material, rocks, or rubble will be disposed of.

GG. Add Appendix Section J110.3 to read as follows:

J110.3 Other standards. Erosion control measures shall conform to the following standards and approval processes:

1. The City's Stormwater Management Plan.
2. The most current "Erosion and Sediment Control Field Manual" published by the California Regional Water Quality Control Board, San Francisco Bay Region.
3. NPDES permit requirements.
4. The 2010 California Green Building Standards Code.

15.08.020 AMENDMENTS; CALIFORNIA RESIDENTIAL CODE

The California Residential Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

A. Delete Appendix A, B, C, D, E, F, I, J, K, L, M, N, O, P and Q.

B. Amend Section R101.1 to read as follows:

R101.1 Title. These provisions shall be known as the California Residential Code and shall be cited as such and shall be referred to herein as "this code".

C. Amend Section R103.1 to read as follows:

R103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official.

D. Add Section R104.12 to read as follows:

R104.12 Discovery of archaeological resources. In the event archaeological resources are unearthed or discovered during any construction activities, the building official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist and/or Native American, and disposition of artifacts may be accomplished in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the building official shall notify the county coroner. If human remains are found to be of an ancient age and of archaeological and spiritual significance, the building official shall notify the Native American Heritage Commission.

E. Amend Section R105.2 to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet ((1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not attached to a dwelling and not more than 30 inches (762 mm) above grade at any point.

F. Amend Section R105.3.2 to read as follows:

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless a permit has been issued. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- G. Add Section R108.2.1 to read as follows:

R108.2.1 Plan review fees. When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing body.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review an additional plan review fee may be charged at a rate established by the applicable governing authority.

- H. Amend Section R108.5 to read as follows:

R108.5 Fee refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of permit fee payment.

- I. Amend Section R108.6 to read as follows:

R108.6 Work commencing before permit issuance.

R108.6.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

R108.6.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- J. Amend Section R110.2 to read as follows:

R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Section 3408 of the California Building Code as amended.

- K. Amend Section R112.1 to read as follows and delete Sections R112.2 through R112.4:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the provisions of Section 113 of the California Building Code, as amended, shall apply.

- L. Amend Section R113.1 to read as follows:

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. It shall be unlawful for any person, firm or corporation to use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, trucking trailer, cargo container, streetcar, bus body, rail car or other vehicle body. It shall be unlawful for any person, firm or corporation to use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park.

- M. Amend Section R114.2 to read as follows:

R114.2 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Chapters 1.20, 1.24 and 1.28 of the City of Pismo Beach Municipal Code.

- N. Amend Section R301.1.3.2 to read as follows:

R301.1.3.2 Woodframe structures greater than one story. The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than one story and basement in height. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1

- O. Add Section R312.5 to read as follows:

R312.5 Glazing. Where glass is used to provide a guard or as a portion of the guard system, the guard shall also comply with Section 2407 of the California Building Code. Where the glazing provided does not meet the strength and attachment requirements of Section 1607.7 of the California Building Code, complying guards shall also be located along glazed sides of open-sided walking surfaces.

P. Amend Section R313.2 to read as follows

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

Exception:

Existing dwellings, not already provided with an automatic residential fire sprinkler system, where additions or alterations do not increase the existing floor area by more than 1,000 square feet (92.9 m²) or create an additional dwelling unit.

Q. Amend Section R313.1.1 to read as follows:

R313.3.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions:

1. Attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require fire sprinklers. In attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m²) in area.
4. Detached garages where the floor area does not exceed 1000 square feet (92.9 m²); carports with no habitable space above; open attached porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

15.08.030 AMENDMENTS; CALIFORNIA EXISTING BUILDING CODE

The California Existing Building Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

A. Amend Section A102.1 to read as follows:

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exceptions:

1. Warehouses or similar structures not used for human habitation unless housing emergency equipment or supplies.
2. A building having five living units or less.
3. A building previously strengthened to standards in effect at the time of strengthening.

- B. Add new Appendix Section A1115 entitled "Administrative Provisions" to read as follows:

SECTION A115 - ADMINISTRATIVE PROVISIONS

A115.1 Compliance requirements previously established (Ordinance 2010-08). The city's building stock and records were surveyed to identify buildings within the scope of this chapter, and said building owners were notified of the determination by notice and order sent by certified mail on dated January 11, 1990. The owner of a building within the scope of this chapter shall cause a structural analysis of the building to be made either by California-licensed engineer or architect. The engineer or architect may provide sufficient evidence to establish that the building is not within the scope of this chapter. The structural analysis shall be subject to the approval of the building official and shall be submitted in accordance with the following time limits:

1. By no later than February 1, 2011, a structural analysis and other substantial evidence which demonstrates that the building is not within the scope of this chapter shall be submitted.
2. By no later than February 1, 2011, a structural analysis and plans for alterations required to conform to this chapter shall be submitted.
3. By August 1, 2011, permits for the seismic retrofitting work necessary to achieve conformance with this chapter shall be obtained.

Where compliance with this chapter would displace low and moderate income residential uses, the building official may extend special and reasonable consideration to the time limits in this section so as to minimize the displacement of persons.

In order for an owner of a building within the scope of this chapter to comply with this chapter, the following elements shall be made to comply:

1. Unreinforced masonry walls to resist normal and inplane seismic forces.
2. The anchorage and stability of exterior parapets and ornamentation.
3. The anchorage of unreinforced masonry walls to floors and roof.
4. Floor and roof diaphragms.
5. A complete bracing system to resist earthquake forces.

A115.1.1 Subsequent determinations. Where a building, not otherwise identified in the original inventory of buildings subject to Ordinance 2010-08, is determined to be within the scope of this chapter, the owner shall structurally alter the building to comply with this chapter within 180 days of receipt of a notice and order, or as otherwise determined by the building official.

A115.2 Notice and Order

A115.2.1 General. The building official shall, within 30 days of the determination that a building is of unreinforced masonry construction issue a notice and order as provided in this section to the owner of a building within the scope of this chapter.

A115.2.2 Service of notice and order. A notice or order issued pursuant to this section shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under this chapter or relieve any such person from any duty or obligation imposed on him by the provisions of this chapter.

A115.2.3 Content of notice and order. The notice shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is subject to the minimum seismic standards of this chapter. The order shall direct the owner to obtain a building or demolition permit as required by this chapter and cause the building to be structurally altered to conform to the provisions of this chapter, or cause the building to be demolished. The notice or order shall be accompanied by a copy of Section A115.1 of the California Building Code, which sets forth the owner's responsibilities.

A115.3 Appeal. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the Board of Appeals established by Section 113 of the California Building Code, as adopted. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A115.2. Any appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this chapter shall be made in accordance with the procedures established in Section 104.10 of the California Building Code.

A115.4 Recordation. At the time that the building official serves the aforementioned notice, the building official shall also file and record with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof will be ordered to structurally analyze the building to determine compliance with this chapter.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file and record with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.5 Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within the time limit set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the following provisions apply:

1. The building official may order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the provisions of Sections 107, 108, 109 and 110 of the International Property Maintenance Code.
2. Any person who violates any provision of this chapter is guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1.20 of the City of Pismo Beach Municipal Code.

15.08.040 AMENDMENTS; CALIFORNIA MECHANICAL CODE

The California Mechanical Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

- A. Delete Division II of Chapter 1 and Table 1-1.
- B. Administration of the mechanical code shall be as set forth in Division II of Chapter 1 of the California Building Code.

15.08.050 AMENDMENTS; CALIFORNIA PLUMBING CODE

The California Plumbing Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

- A. Delete Appendix Chapters 1, F, and L, and Appendix Table 1-1.
- B. Administration of the plumbing code shall be as set forth in Division II of Chapter 1 of the California Building Code.
- C. Delete Chapter 16A. Graywater systems are prohibited.

Chapter 15.08.060 AMENDMENTS; CALIFORNIA ELECTRICAL CODE

The California Electrical Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

- A. Delete Annex E and H.
- B. Administration of the electrical code shall be as set forth in Division II of Chapter 1 of the California Building Code.
- C. Amend Section 230.70(A) (1) to read as follows:
 - (1) **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

15.08.070 AMENDMENTS; CALIFORNIA GREEN BUILDING STANDARDS CODE

The California Green Building Standards Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

Delete Appendix A4 and Appendix A5.

15.08.080 AMENDMENTS; INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code adopted in Section 15.04.010 is modified, amended and/or supplemented as follows:

- A. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Pismo Beach, hereinafter referred to as "this code".

- B. Amend Section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code and other applicable laws and ordinances.

- C. Amend Section 103.1 to read as follows:

103.1 General. The office of property maintenance inspection within the Building Division hereby created and the executive official in charge thereof shall be known as the building official. For the purposes of this code, building official shall mean code official.

- D. Amend Section 103.5 to read as follows:

103.5 Fees. The fees for activities and services performed by the code official under this code shall be in accordance with the schedule as established by the applicable governing authority.

- E. Add Section 104.6.1 to read as follows:

104.6.1 Citations. The code official, or duly authorized agent, is granted the authority as provided in Section 836.5(a) of the California Penal Code to issue citations for violations of this chapter.

- F. Amend Section 111.2 to read as follows, and delete Sections 111.2.1 through 111.2.5.

111.2 Membership of board. The board of appeals shall be the board of appeals established in Section 113 of the California Building Code as amended in Section 15.08.010 of the Pismo Beach Municipal Code.

- G. Amend Section 112.4 to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties and code enforcement procedures set forth in Chapters 1.20, 1.24 and 1.28 of the City of Pismo Beach Municipal Code.

SECTION 3. If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City Council hereby declares that it would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this ordinance.

SECTION 4. This ordinance shall be effective on January 1, 2011.

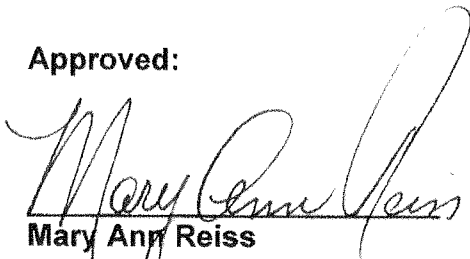
SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this Ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit: 1) City Hall, 760 Mattie Road, Pismo Beach, 2) U.S. Post Office, Shell Beach Road, Pismo Beach, 3) U.S. Post Office, Crest Drive, Pismo Beach.

SECTION 6. The Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

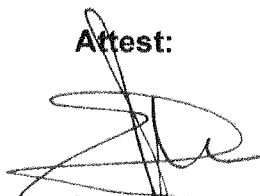
INTRODUCED at a regular meeting of the City Council held this 19th day of October, 2010, on motion of Councilmember Waage, seconded by Councilmember Higginbotham, and on the following roll call vote, to wit:

AYES:	3	Councilmembers: Waage, Higginbotham, Reiss
NOES:	0	
ABSENT:	2	Councilmembers: Ehring, Vardas
ABSTAIN:	0	

Approved:


Mary Ann Reiss
Mayor

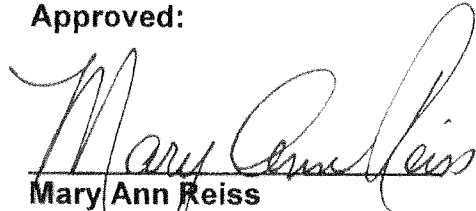
Attest:


Emily Colborn, MMC
City Clerk

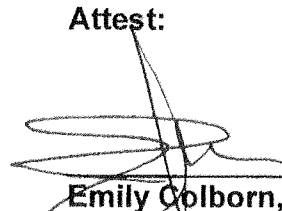
SECOND READING at a regular meeting of the City Council held this 16th day of November, 2010, on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Approved:


Mary Ann Reiss
Mayor

Attest:


Emily Colborn, MMC
City Clerk

APPROVED AS TO FORM:


David M. Fleishman, City Attorney



From the Office of the City Clerk

760 Mattie Road
Pismo Beach, CA 93449
(805) 773-4657
(805) 773-7006 Fax

STATE OF CALIFORNIA }
 }
COUNTY OF SAN LUIS OBISPO} SS

I, Emily Colborn, the City Clerk of the City of Pismo Beach, California, do hereby certify that the attached is a true and correct copy of **Ordinance No. O-2010-009** and was duly posted in three public places within the City within 15 days of adoption thereof, pursuant to the requirements of Government Code Section 40806.

Dated this 1 day of December 2010.

Emily Colborn, MMC
City Clerk